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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,391	06/15/2005	Johannes Friso Rendert Blacquiere	NL021420US1	4254
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DARE, RYAN A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/539,391

Applicant(s)

BLACQUIERE ET AL.

Examiner

RYAN DARE

Art Unit

2186

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-912)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanota et al., US Patent 6,813,681, in view of Gushima, US PGPub 2003/0090971.
4. With respect to claim 1, Kanota teaches a method for configuring user storage space of an optical disc to store data in different formats, the method comprising acts of:

dividing the user storage space located between a lead-in area and a lead-out area of the disk into a plurality of storage sections including one or more first storage sections where only user data in a first format is recordable and one or more second sections where only user data in a second format that is different from the first format is recordable, in col. 10, lines 15-28, where the data formats are the AV data and memo data or audio data, which each have their own sections

wherein the user storage space is available for a user to record user data, in col. 10, lines 15-28; and

defining one or more availability parameters which define a location and/or extent of at least one storage section in the user storage space of the disk, in col. 10, lines 15-28.

Kanota's method is for a hard disk drive. Gushima et al. teaches applying sections to the user space in an optical disc, in par. 382. Therefore the combination of Kanota with Gushima teach the limitations of the present claim.

5. It would have been obvious to one of ordinary skill in the art, having the teachings of Kanota and Gushima before him at the time the invention was made, to modify the non-volatile memory writing method of Kanota with the non-volatile memory writing method of Gushima, in order to take advantage of the high-density recording property of an optical disc, as taught by Gushima in pars. 1-2.

6. With respect to claim 2, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the method according to claim 1, wherein at least one of said one or more availability parameters is incorporated in a standard format for the respective first and second storage sections, in col. 2, lines 59-63.

7. With respect to claim 3, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the method according to claim 1, wherein at least one of said one or more availability parameters is a variable parameter whose value is stored in a predetermined area or location, the variable parameter varying the location and extent

of the first and second storage sections of the user storage space of the optical disc, in col. 10, lines 15-28, and col. 11, lines 58-60.

8. With respect to claim 4, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the method according to claim 1, wherein at least one of said availability parameters defines a borderline address between the first storage section and the second storage section, in col. 10, lines 15-28 and col. 11, lines 58-60

9. With respect to claim 5, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the method according to claim 1, wherein at least one of said availability parameters defines an extremity address of one of the first or second sections, in col. 11, lines 58-60.

10. With respect to claim 6, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the method according to claim 1, wherein at least one of said availability parameters defines a length of one of the first or second sections, in col. 11, lines 58-60.

11. With respect to claim 7, Kanota teaches a user-writeable optical disc to store data in different formats, the optical disk comprising:

a user storage space located between a lead-in area and a lead-out area of the optical disk divided into a plurality of storage sections including one or more first storage sections where only user data in a first format is recordable and one or more second storage sections where only user data in a second format that is different from the first format is recordable, in col. 10, lines 15-28 and discussed in the rejection of claim 1 above,

wherein the user storage space is available for a user to record user data, in col. 10, lines 15-28; and

a predetermined area or location of the user storage space where one or more availability parameters are stored, at least one of the availability parameters defines a location and/or extent of at least one storage section in the user storage space of the optical disk, in col. 10, lines 15-28.

Kanota's method is for a hard disk drive. Gushima et al. teaches applying sections to the user space in an optical disc, in par. 382. Therefore the combination of Kanota with Gushima teaches the limitations of the present claim.

12. It would have been obvious to one of ordinary skill in the art, having the teachings of Kanota and Gushima before him at the time the invention was made, to modify the non-volatile memory writing method of Kanota with the non-volatile memory writing method of Gushima, in order to take advantage of the high-density recording property of an optical disc, as taught by Gushima in pars. 1-2.

13. With respect to claim 8, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the user-writeable optical disc according to claim 7, wherein at least one of said availability parameters defines a borderline address between the first storage section and the second storage section, in col. 10, lines 15-28.

14. With respect to claim 9, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the user-writeable optical disc according to claim 7, wherein at least one of said availability parameters defines an extremity address of one of the first or second storage, in col. 10, lines 15-28.

15. With respect to claim 10, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the user-writeable optical disc according to claim 7, wherein at least one of said availability parameters defines a length of one of the first or second storage-section sections, in col. 10, lines 15-28.

16. With respect to claim 11, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the user-writeable optical disc according to claim 7, wherein the values of said parameters are stored as a table in a predetermined area or location of the user storage space of the disc, in col. 10, lines 15-28.

17. With respect to claim 12, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the user-writeable optical disc according to claim 11, wherein said table contains at least one entry defining the length of the table, in col. 10, lines 15-28.

18. With respect to claim 13, Kanota teaches a method of writing user data in different formats to an optical disc comprising acts of:

determining a value of at least one availability parameter, which defines a location and/or extent of a plurality of storage sections in the user storage space of the disk, in col. 17, lines 12-35, where the parameter is input from the user about which section is available to write;

determining at least one first and at least one second predefined storage sections of a user storage space located between a lead-in area and a lead-out area of the optical disk on the basis of said availability parameter, in col. 10, lines 15-28,

in the first predefined storage section only user data in a first format is recordable and in the second predefined storage section only user data in a second format that is different from the first format is recordable, wherein the user storage space is available for a user to store user data, in col. 10, lines 15-28;

consulting application-specific recording location information regarding location and extent of recorded areas of the user storage space, in col. 10, lines 15-28;

selecting, within said first and second predefined storage section sections of the user storage space, a free area suitable for accommodating the user data to be written is in the first or second formats and taking into account said recorded areas as determined by said application-specific recording location information, in col. 17, lines 12-35;

recording said user data within said free area thus selected, in col. 17, lines 12-35.

Kanota's method is for a hard disk drive. Gushima et al. teaches applying sections to the user space in an optical disc, in par. 382. Therefore the combination of Kanota with Gushima teach the limitations of the present claim.

19. It would have been obvious to one of ordinary skill in the art, having the teachings of Kanota and Gushima before him at the time the invention was made, to modify the non-volatile memory writing method of Kanota with the non-volatile memory writing method of Gushima, in order to take advantage of the high-density recording property of an optical disc, as taught by Gushima in pars. 1-2.

20. With respect to claim 14, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the method of writing information to an optical disc according to claim 13, comprising an act of reading the one or more availability parameters from the optical disc, in col. 10, lines 15-28.

21. With respect to claim 15, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the method according to claim 13, wherein writing of user data in a selected format to an address outside a storage section in which said format is recordable is avoided, in col. 10, lines 15-28.

22. With respect to claim 16, Kanota and Gushima teach all limitations of the parent claim. Kanota teaches the method according to claim 14, the method comprising acts of: if the size of the available storage sections is insufficient to accommodate the user data to be recorded written, the following acts are executed: if insufficient: determining whether sections in another format in combination with the available storage sections in the selected format contains a storage space portion suitable and sufficient for accommodating the user data to be written; and amending at least one of said one or more availability parameters such as to increase the size of said predefined storage section in the selected format thereby also decreasing the size of said predefined storage section in another format, in col. 10, lines 15-28 and col. 17, lines 12-35.

23. Claim 17 is rejected using similar reasoning as claim 1.

Response to Arguments

24. Applicant's arguments filed 11/30/10 have been fully considered but they are not persuasive.

25. With respect to the arguments directed towards Kanota not teaching an optical disc, the examiner has modified the rejection to a 103 rejection over Kanota and Gushima, which teaches segmenting a user data section on an optical disc. While applicant is correct in stating that the physical operation of writing to an optical disc is much different than the physical operation of writing to a hard disc drive, the present application is not directed towards a particular physical or magnetic writing process. It is directed towards the operation on a user data area. One of ordinary skill would look to prior art related to non-volatile storage, including magnetic, flash, and optical storage. As evidence of this, Gushima states in par. 393 that while embodiments are directed towards an optical disc, that they could also be applied to a magnetic disk.

26. With respect to the arguments directed towards varying the location and extent of the storage sections, the examiner would like to direct applicant to col. 11, lines 58-60, which describe the variable nature of the storage sections.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN DARE whose telephone number is (571)272-4069. The examiner can normally be reached on Mon-Fri 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571)272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Dare/
February 10, 2011

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/Shane M Thomas/

Primary Examiner, Art Unit 2186